

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:15-CV-00292-GCM**

ANTONIO D. HILL,)	
)	
Plaintiffs,)	
)	
v.)	<u>ORDER</u>
)	
INTERNATIONAL PAPER COMPANY,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on Defendant’s Motion to Dismiss (Doc. No. 9) and Plaintiff’s Response in Opposition (Doc. No. 15). Plaintiff filed his complaint in North Carolina state court on May 21, 2015. (Doc. No. 1-1) Defendant moved to dismiss the complaint on August 28, 2015. (Doc. No. 9) In its motion, Defendant asks the Court to dismiss in part Plaintiff’s claims for discrimination, hostile work environment, and retaliation under 42 U.S.C. § 1981. Defendant argues that Plaintiff’s claims are based on discrete acts that are time barred pursuant to § 1981’s four year statute of limitations. (Doc. No. 10) Plaintiff acknowledges that the complaint references disciplinary actions taken against him on July 21, 2010, December 29, 2010, March 16, 2011, March 24, 2011, April 7, 2011 and April 8, 2011—and he concedes that he cannot recover on several of those acts because they are barred by the statute of limitations. (Doc. No. 15) He argues, however, that the earlier disciplinary events provide context for three actions that are recoverable: disciplinary actions taken by Defendant on July 18, 2011 and August, 30, 2011, as well as Plaintiff’s termination on February 16, 2012. (*Id.*) The Court agrees with the parties that the applicable statute of limitations is four years, and that, as a result, Plaintiff cannot recover on the basis of the six disciplinary actions that fall outside that period. *James v. Circuit City Stores, Inc.*,

370 F.3d 417, 421 (4th Cir. 2004). Because Plaintiff has assured the Court that it is not seeking to recover on any of the actions that took place outside the statute of limitations period, however, Defendant's motion is **DENIED**.

SO ORDERED.

Signed: October 23, 2015

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

